

***United States Court of Appeals
for the Second Circuit***



APPENDIX

74-1364

~~73-1288~~

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket No. 73 C 1288

B

In the Matter of the Application of

CHARLES J. LANTZ,

Petitioner-Appellant,

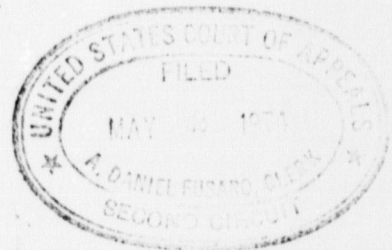
-v-

ROBERT C. SEAMANS, JR., Secretary of the
Air Force,

Respondent-Appellee.

On Appeal from the United States District Court
for the Eastern District of New York

APPENDIX FOR THE APPELLANT



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I N D E X

	<u>Page</u>
List of Relevant Docket Entries-----	1a
Petition for writ of habeas corpus-----	2a
Air Force ruling-----	7a
Application for discharge as conscientious objector----	8a
Investigating Officer's report-----	44a
Psychiatrist's report-----	46a
Chaplain's report-----	47a
Motion to Dismiss-----	48a
Order of the court dismissing the writ of habeas corpus-----	50a

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X

In the matter of the application of
CHARLES J. LANTZ,

Petitioner-Appellant

-vs-

LIST OF RELEVANT
DOCKET ENTRIES

ROBERT C. SEAMANS, JR., Secretary of the
Air Force,

Respondent-Appellee.

-----X

Petition for a writ of habeas corpus

Summons

Motion to dismiss

Respondent's memorandum of law

Petitioner's memorandum of law

Letter of Thomas Ilmensee-A.U.S.A. dated 11/29/73

Memorandum decision

-----X

-----X

Queens County, New York.

During the period where petitioner was in law school and on deferred status from commencing his term of active duty pursuant to his obligations as a ROTC graduate, petitioner became a conscientious objector to participation in war in any form. Petitioner has not been a conscientious objector until that time. By reason of his religious training and belief, petitioner is unable, without violating his religious beliefs, to participate in military activity in any form.

On October 4, 1972 petitioner submitted his application for discharge as a conscientious objector and was interviewed by a Chaplain and psychiatrist, as required by AFR 35-24.

On November 3, 1973 petitioner was afforded a hearing without a transcript being made in front of LTC BonTempo, pursuant to AFR 35-24.

Between November 3, 1972 and the beginning of July 1973 petitioner received no notification of any sort from the Air Force, except for a letter on or about December 11, 1973 that documentation from the Hearing Officer (LTC BonTempo) had not been received.

On or about July 1, 1973, petitioner received a letter from the Department of the Air Force denying discharge as a

conscientious objector on the grounds that ". . . you have not demonstrated that your beliefs are sincere and deeply held."

(See Exhibit "A").

Petitioner has no other administrative remedy available to him, having exhausted the highest level of authority at which review is available, to wit, the Secretary of the Air Force.

The United States Air Force is now restraining and detaining petitioner in the United States Air Force Reserve without basis, due to its improper and unlawful denial of petitioner's application for conscientious objector separation. The particulars of said improper and unlawful restraint are as follows:

(A) There is no basis in fact for the denial of petitioner's application on the grounds set forth by the Department of the Air Force.

(B) The Department of the Air Force, and the Secretary of the Air Force in particular, failed to fully consider the application and supporting documentation and to give petitioner an opportunity to rebut any information which was at odds with his application for a conscientious objector status.

Petitioner is thus deprived of his liberty in violation of the Constitution and law of the United States in that he is denied free exercise of his religion as guaranteed by the First Amendment since he is compelled to participate in military service in violation of his religious beliefs and in that he is denied

due process of law since a right guaranteed to him by Congress is denied him without basis in fact.

Petitioner has no remedy at law except to petition for a writ of habeas corpus.

WHEREFORE, petitioner prays for the following relief:

(1) that a writ of habeas corpus, or, in the alternative, an order to show cause, issued directing the respondent to produce the body of CHARLES J. LANTZ before this Court at such time as may be designated in the writ, or in the order to show cause, and that respondent show cause, if he has any, why CHARLES J. LANTZ is being detained by him and not liberated from such improper and unlawful restraint;

(2) that a restraining order issue restraining the respondent from issuing orders of activation and from removing petitioner from this Federal District pending the hearing of this petition;

(3) that the Court order respondent to discharge petitioner with an honorable discharge from the United States Air Force; and

(4) that petitioner be granted such other and further relief as to this Court may seem just and proper.

Charles J. Lantz, Petitioner

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

CHARLES J. LANTZ, being duly sworn, deposes and says that he is the petitioner in the within action and has read the foregoing petition for a writ of habeas corpus and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to these matters he believes them to be true.

Charles J. Lantz

Sworn to before me this
21st day of august, 1973.

FREDERICK H. COHN
Lefcourt, Brennan, Cohn & Katz
Attorneys for Petitioner
640 Broadway
New York, New York 10012
(212) 677-1552

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR RESERVE PERSONNEL CENTER
3800 YORK STREET
DENVER, COLORADO 80205

27 JUN 1973



REPLY TO
ATTN OF: DPAAD

SUBJECT: Resignation as a Conscientious Objector (Your Ltr, 4 October 1972)

TO: 2d Lt Charles J. Lantz, 276-46-8026, USAFR
73-08 199th Street
Flushing NY 11366

1. We have been advised by Headquarters United States Air Force that, upon the recommendation of the Air Force Personnel Board, the Secretary of the Air Force, on 8 June 1973, declined to classify you as a conscientious objector within the meaning of Air Force Regulation 35-24. It has been determined by the Secretary of the Air Force that you have not demonstrated that your beliefs are sincere and deeply held.

2. Further, the Secretary does not accept your tender of resignation submitted on 4 October 1972, under the provisions of Air Force Regulation 45-42, paragraph 10.

FOR THE COMMANDER

Emma W. Fulton

EMMA W. FULTON
Assistant Chief, Separations Division
Directorate of Personnel Actions

ADDRESS CORRESPONDENCE TO "ARPC" ATTN: THE OFFICE SYMBOL REFERENCED ABOVE
INCLUDE YOUR SOCIAL SECURITY ACCOUNT NUMBER

- 5
- (1) Charles Jeffery Iantz
 - (2) 276 46 8026 (social security number)
 - (3) 33 37 47 341 (selective service number)
 - (4)
 - (5) 134 North High Street, Lancaster, Ohio 43130
 - (6) a. Lancaster High School, Infirmary Road, Lancaster, Ohio
September, 1962 - June, 1965
 - b. Denison University, Granville, Ohio
September, 1965 - June, 1966
 - c. Kenyon College, Gambier, Ohio
September, 1966 - June, 1969
 - d. The Washington College of Law, The American University,
Massachusetts and Nebraska Avenues, N.W., Washington, D.C.
September, 1969 - present
 - (7) a. Sears Roebuck, West Main Street, Lancaster, Ohio
stock boy and receiving dock, June - July, 1965
 - b. U.S. Congressman Walter H. Moeller, H.O.B., Washington, D.C.
Congressional Intern, July - September, 1965
 - c. U.S. Congressman John M. Ashbrook, H.O.B., Washington, D.C.
Congressional Intern, June - September, 1966
Research Assistant, September - December, 1966
June - September, 1967
June - September, 1969
 - d. VISTA, summer volunteer, Washington, D.C., July - August, 1967
 - e. Operation Headstart, volunteer, Gambier, Ohio, October -
December, 1967
 - f. U.S. Senator Charles Mathias, volunteer research, Washington,
D.C., October - December, 1969
 - g. The Drug Offenders' Rights Committee Inc., co-founder, Director,
The American University, January, 1970 - present
 - h. Mobilization Against the War, legal observer, 1970 - 71
 - i. The Washington Workshops, Mount Vernon Junior College,
Washington, D.C., Instructor June - August, 1970
 - j. Dickson and Kendrick, 2030 16th, Arlington, Virginia, law clerk,
(volunteer) December, 1970 - present
 - k. John W. Karr, The Washington Building, 15th and New York Ave., NW
Washington, D.C., law clerk, January - April, 1971

(7) continued

1. The Gardner School of Business, Avondale, Maryland, Instructor of college law, August - September, 1971

(8) 134 North High Street, Lancaster, Ohio is my parents' address

July - September, 1965: 130 Sixth St., S.E., Washington, D.C.

September, 1965 - June, 1966: Curtis East Dormitory, Denison Univ. Granville, Ohio

June - September, 1966: 1923 N St., N.W., Washington, D.C.

September, 1966 - June, 1967: East Division

September, 1967 - June, 1968 Kenyon College

September, 1968 - June, 1969 Gambier, Ohio

June - September, 1967: 4202 37th St., N.W., Washington, D.C.

June, 1969 - June, 1970: 1932 Rosemary Hills Drive, Silver Spring, Md.

June, 1970 - April, 1971: 2615 Holman Avenue, Silver Spring, Md.

April - August, 1971: 1748 Taylor St. N.W., Washington, D.C.

August, 1971 to present: 5220 Klinge St., N.W., Washington, D.C.

(9) Mr. (James) and Mrs. (Eileen) Lantz (both living)
134 North High Street, Lancaster, Ohio, 43130

(10) both are Methodists

(11) NO

(12) yes

(7) addition

m. The Legal Aid Society of New York City; Criminal Courts
Division; Queens, New York - August, 1972 to present

r. (1)

There is an absolute direction to my life. If I acted in a way which is inconsistent with this direction I would not be able to live with myself.

My religion includes a duty to my God which is superior to any duty that I could owe to another individual or political entity. My God is the supreme guiding force which directs me to do what is right and moral and to serve humanity. My God is a personal one that comes from within me. I do not necessarily conceive of my God as a supernatural physical person, though, there is no question that He does exist as the guiding force in my life. My God could be likened to what some people might call the moral conscience that directs their being. My duty to my God is such that I cannot volitionally do anything inconsistent with His direction; to do so would be unconscionable immorality and hypocrisy.

Certain absolute convictions of morality are basic to my God. They are the product of my religious and scholastic training and life experiences. Humanitarianism, brotherhood, and mutual respect for others are what I know to be necessary as guides to living a civil and moral life. These convictions of morality provide a standard by which acts and attitudes are to be judged. I cannot in good conscience do something which I know is immoral; if I did I would betray all that I believe in and have fought for.

Because of the very nature of man certain fundamental moral principles MUST exist as a guide to his behavior. There can be no civil society and no human self-respect unless man is directed by a sense of morality. Life is worthless in a state without morality.

b. (1) page 2

It is on this basis that I must follow the moral convictions that I know to be right. I may not betray my God and my fellow man.

Every individual has a very precious and sacred phenomenon in his life. With life an individual has a chance to grow, to love, and to contribute to mankind. Life runs a natural course, which no other person has a right to stop, and to do so would be a transgression against my God. War and all of its incidents by definition lead to the destruction of life - and life is sacred.

The ritual that I follow is a devotion to serve mankind, and to make real the true brotherhood of man. As part of this devotion I am dedicated to do all that I can in ridding society of hatred, hypocrisy, social illness, violence and war. I sincerely believe that mankind must live in a civil and harmonious state rather than the immoral condition of fear, discord, and hatred that exists in the world today. To do otherwise is irreligious and immoral.

Fundamental to my religion is the obligation to follow the Golden Rule in my everyday life. I will do for others what I hope they do for me. The Golden Rule provides a guide by which an individual shows respect for the rights of others. I may not infringe on another's enjoyment of his life; but I will assist another if he is in need.

As stated above, I believe that certain acts are immoral. Foremost are those which reject the sanctity of life and the feeling of brotherhood between men. These acts undermine the existence of a moral and civil society; they are what I am dedicated to fight against. Killing, violence, war, hatred and hypocrisy are immoral.

W. (1) page 3

I am unable to participate in any activity which results in the killing, hating, or the intentional injury of another. As a civil and moral person guided by God and religion I have no right to injure another person - nor does anyone have that right. Violence and war precipitate the rejection of brotherhood and reason. The ultimate result of war is death and suffering; it is the antithesis of morality and civility. War and violence by definition accomplish nothing good or moral, but rather, cause hatred between people, distrust, and misery for mankind. My religious convictions require that moral and civil man aspire to a higher interaction for the settlement of disputes than war. .

Underlying my inability to participate in a war oriented organization such as the Air Force is my conviction that to lend one's efforts in any capacity to their mission is to become an accessory to war and all of its unconscionable aspects.

I have a moral obligation to help my fellow man and my country. In doing so however I am nevertheless bound by the strict dictates of my God and religion. I may not be part of that which is immoral, since to do so would be antithetical to the very nature of my being.

b. (2)

The factors which made me a Conscientious Objector have occurred in the past two and one-half years. These factors worked on my basic religious beliefs and strengthened them to the extent that I found that I can no longer be a part of a war organization.

My parents, with whom I am very close, are very humanitarian and religious people. My father is a Director of his church (The Sixth Avenue Methodist Church in Lancaster, Ohio). I had an extremely close relationship with my grandfather - Elon G. Weaver - who was the most religious man I have ever known. I attended Sunday School at the First Methodist Church of Lancaster, Ohio from an early age. I participated in the Youth Fellowship, the Youth Choir, and confirmation classes until I was thirteen years old. Although I had misgivings about my affiliation with that particular Church, at thirteen I was confirmed there.

During the fall of 1960, I became increasingly alienated from my Church. The pastor, George Herd, earlier had preached the value of the brotherhood of man and the Golden Rule, but in 1960 he began to use his pulpit to wage a political campaign against John F. Kennedy; attacking Kennedy solely on the basis of his Catholicism. He gave me my first lesson in the hypocrisy of some orthodox religions. In 1961 I decided that in good conscience I could not continue attending that Church because its Pastor and so many of its members payed only lip service to the principles that I felt were so important.

b. (2) page 2

Throughout my childhood my grandfather Weaver and my parents stressed the importance of being honest with myself, of doing what my conscience told me was right, of respecting other people's rights, and of doing humanitarian deeds to help others. My grandfather always provided me with a great source of information for my questions regarding religion, the nature of God, and the ideal relationships of mankind. He often had me participate with him in his daily scripture readings. And more important, he, as my parents, provided me a living example of one who applied his religious beliefs to his daily life. Both my parents and my grandfather have been loved by most everyone they have come into contact with. They have been respected both for their ideals and the fact that they always follow their conscience as to what is right. Their primary concern has always been to help other people without regard to compensation.

My grandfather had an "answer" which I feel provides me with the basis of my beliefs. I have tried to follow the principles he valued: one should never betray what he knows to be right; man is capable of high intellect and should seek to use his intellect in making life better for all mankind; interpersonal relationships with all men should be based upon love, kindness, understanding, and respect; any conflict can be resolved by a coming together of the minds; that life is the greatest thing that a person has and one should not infringe on another's life; and underlying everything - that every man should treat others in a way that he himself would want to be treated.

I feel that I have followed the examples of my parents and

b. (2) page 3

grandfather in directing my life to helping others. There is no way that I can, in good conscience, betray the beliefs that are such a basic part of me.

My beliefs have matured even further in the last two and one-half years as a result of a great deal of soul-searching subsequent to close relationships with people who are vehemently against war, people who have served in the military and Vietnam, several very revealing and horrifying occurrences, and a necessary reassessment of my earlier justification of a war of defense.

At the time I joined Advanced ROTC I felt that war was an unfortunate though legitimate means to achieve a moral end. . In a sense, I believed that the end justified the means if the end was an ascertainable moral right. To me, the Vietnam war was undertaken for the protection of the innocent people of South Vietnam from the inhumane treatment by the communists. In the 1960's I was revolted when I read of the communists torturing and murdering the innocent villagers of South Vietnam. In following with my belief in humanitarianism I believed in some distorted way that the American forces were justified in the use of violent force in performing their mission of protection and salvation. Justified in the sense that it was acceptable to kill a few inhumane communists as a protective measure for the innocents. Although I had difficulties with this justification, it nevertheless appeared to me to be the only reasonable way to achieve a moral end. I thought that I could participate in the Judge Advocate General and consequently not associate with the inhumanity of the war.

L. (2) page 4

In the summer of 1969 I was confronted with a much more realistic view of the Vietnam war and the use of violent force than I had in the Ivory Tower of Kenyon College. I saw a number of anti-war exhibits in Washington D.C. and New York City which affected me very deeply. I realized for the first time that life was valued so little by the war forces. I spoke to several Vietnam veterans and a Vietnamese acquaintance who further substantiated the often indiscriminate suffering inflicted on both the guilty and the innocent.

Taking all of the evidence most favorable to the moral end in Vietnam I found that I simply could not justify the violent means used there. The misery was even more severe because of the means; every accidental killing of civilians caused me to doubt the reasonableness and morality of my justification of the war. There was too much disregard for the lives of children and other innocent villagers for me to accept the war effort as a reasonable means. I did not think the end was worth the suffering which the people were incurring. I came to believe that my theoretical justification of the Vietnam war was full of holes when I was faced with this reality.

Into the fall of 1969 I began to manifest my beliefs into action against the Vietnam war. In conscience, I had to participate in demonstrations against the war, hoping that in some way I might help bring it to an end.

During this time in law school I had frequent discussions with classmates who were former military personnel (John K. Zwerling, Michael Rich, Franklin Reynolds, John Robinson, and Peter Sumer).

b. (2) page 5

I wanted to find out more about my duties as an officer and the activities of JAG. From my many discussions with these individuals I also learned quite a lot about the methods by which the military achieves its ends.

Into 1970 I participated in a great many discussions about the war and war in general with many individuals (Glenn Gilman, George Vince, David Sunshine, Rodger Priest, Marvin Miller, Alan Gilman). These discussions caused me great internal turmoil about my feelings of morality and my justification of some war. I was opposed to the continuation of the Vietnam war, but I did not feel that that in itself was adequate for my dropping out of the military completely because I did not rule out the possibility that war might in some cases be necessary to achieve a moral end. My discussions with these individuals helped me to realize that a moral end cannot be achieved by an immoral means.

I always fundamentally believed that life was a very sacred thing and that no one should infringe on another's life. The exception that I had to this belief became increasingly difficult for me to accept in light of what was going on in my mind. The reality that there can be NO justification for killing came to me as a result of these discussions coupled with the very shocking news of the massacre at My Lai and the ruthless murders of the Kent State students by the American military. These incidents came down on me very hard and forced me to reassess the basic mission of the military of which I was part and of war as what it really is.

That summer (1970) I spent quite a bit of time by myself trying to workout in my mind whether my justification, that some war could be just, was wrong, and consequently, whether I could be part of the military. Early words from my grandfather came to mind and had an enforced meaning to me. My justification, that in some cases war could be used as a means to a moral end, was really inconsistent with everything I had ever learned: people should value life, people should work out their differences civilly and humanely, and even as trite as it sounds - two wrongs do not make a right. I was always taught that life was sacred; that it was wrong to injure another person. Up to this time, however, I felt that sometimes war and death was the only recourse to accomplish a moral end. The discussion I had and the very harsh instances of My Lai and Kent State shocked me so much that I could no longer justify murder for ANY purpose.

I had to face the truth that it was hypocritical of me to think that a moral end could be achieved by a violent immoral act. Man's inhumanity to man by the use of violence and death was a violation of the sanctity of life, regardless of how it is clothed. Based upon a less naive view of the use of force and my conviction that there is always murder, mayhem, and indiscriminate killing in war, I was convinced that war could not be justified to achieve a moral end.

My feelings about war became much more general in scope. I could no longer distinguish the role that the military plays in Vietnam from the role that it plays in any war: its ultimate purpose is to kill - to murder people whose only crime is to be a North Vietnamese, German, or a dissenting student, and to me

b. (2) page 7

that is needless and immoral. The function of the military is to achieve a usually moral end through violent means and this is hypocritical. I had always felt very uneasy about my justification of killing an enemy when more civil means of action were available. What right does the military have in killing another? What right does the state have in executing a criminal? No right. Moral civilization depends upon people following a moral code; out of necessity that code cannot allow killing.

The above development ultimately resulted in a concept of God and religion which precludes the active participation or tacit agreement with any act or function whose ultimate purpose is war and killing.

(2) In following with answer b.(2) it was in the late summer or early fall of 1970 that I finally decided that I could not be a part of an organization that made war. My belief as to what war is and what role the military plays in its perpetration came to a full development at this point.

My religious values would no longer allow me to accept killing as legitimate for any purpose. Because of this belief I am unable to participate in any activity which directly or indirectly has killing and war as its purpose.

ONLY COPY AVAILABLE

b. (4)

There are many kinds of man made force that must be considered here. Some types of force as restraining and moral, have legitimate value, while violent force has no place in moral and civil society or in my life.

I believe in the use of moral reason as the only force to deal with inequities and situations which are wrong or evil. An example of this type of force is when people peacefully demonstrate against an evil or refuse to participate in the perpetration of an evil. They morally oppose the evil so they will form a peaceful demonstration directed to the policy makers and public at large to bring attention to their objection to the evil condition. The type of demonstrations that I have participated in to show objection to such an evil as war are non-violent; they must be in order to be moral. Violent demonstrations are immoral; they only antagonize people and lead to injury and misunderstanding between people. Gandhi pointed out that violence leads to bitterness and misery while non-violent demonstrations or civil disobedience results in mutual respect and love. The force element in moral reason is that the people to whom it is directed are "forced" to recognize the existence of the evil or at least to realize that certain people feel that an evil condition should be rectified.

If I am confronted with a situation which could result in violence I will leave. I have done so on numerous occasions in the past. Three specific instances come to mind: during a demonstration at the U.S. Department of Justice in Washington, in May, 1971 I left when it became obvious that many of the other demonstrators were intent on becoming violent. During the same period, at 22nd St.

... Pennsylvania Avenue, N.W., Washington, D.C., I convinced a number of demonstrators that they would not accomplish anything worthwhile by destroying a police motor scooter. And at the demonstrations at Ward Circle, in Washington, in April, 1970 I attempted to talk other demonstrators out of throwing rocks at the police; when I failed I left the area. If I am confronted with an individual beating up another person I will restrain him or remove and hold him for the police; but I will not kill him or even injure him because to do so would be the same as an attack on all that my God stands for.

Man made force can take on violent proportions which I am vehemently opposed to, since it is a direct transgression on my God. Violence is that type of force which intentionally results in injury, death, or damage. As such, violence is immoral and barbaric. Civilized and moral man must be above violence, otherwise there is no hope for mankind.

The military force is a perpetrator of violence. The force which it unleashes - war - causes death, injury and suffering throughout the world from Bengla Desh and Ireland to Vietnam. The very term "armed force" connotes a reliance upon a violent and uncontrolled force aimed at human beings. The armed force destroys people without any regard to morality. Daily instances in Vietnam, Ireland, India, the Middle East, and the Kent State murders are examples of the military's lack of concern for human life. Such an "armed force" is without question immoral and irrational - rejecting every sense of humanity, reason, and brotherly love. The military force is oriented to violence and murder; as such, there is no way that I may cooperate with the military without selling out my God. And I will not

b. (4) page 3

do that.

My opposition to the use of force extends to the use of capital punishment since it is an act against the right of the individual to live out his life. Society has the right to control the individual, to prevent him from doing harm to others, but not to kill him. Capital punishment is not within the legitimate power of man.

b. (5) ..

My daily activities result from a religious conviction that I must serve mankind. The method of my service is predicated on my background and education.

There was a time in my life where my goal was success and financial comfort. My activities were directed ultimately to provide me with a sound financial basis and place me in a comfortable social strata. My original intention was to be a commercial or tax lawyer, and my original curriculum was designed for that. As a growth and development of my beliefs clarified many things to me, I dismissed my original intention as an unacceptable end, and made the determination that the only way that I could live a moral life was to serve my fellow man.

On a daily basis I put my religious beliefs into practice by trying to serve others. As Director of the Drug Offenders' Rights Committee and Director of the American University Legal Aid Services I hope to provide legal assistance to individuals who cannot afford the counsel they need. In the future I intend to start a community service law firm in an impoverished area, or to work with some legal aid program.

I was a member of the ROTC while in college. I would NOT now participate with this activity. I will continue to participate in activities which are directed to ending violence and war. And I will continue to attempt to convince other people that they must reject violence and not lend themselves to its perpetration.

I intend to work to end the use of capital punishment by our government. I will work on law cases to this end, and will direct my feelings on this matter to legislators and judges.

b. (6)

My belief that neither the military, government, nor any individual has the right to kill or do violence to another is reflected in my daily life.

I have participated in numerous public demonstrations against the war in Vietnam and war in general since November, 1970. I will continue to express my objection to war and the use of violence in the future, and will do everything in my power to see that my country does not participate in war or violent acts. I have worked and contributed money, and will continue to work for political candidates (such as Senator McGovern) who oppose the use of war. As much as possible I boycott products manufactured by the giant war industries. I will not purchase products produced by Dow Chemical, General Motors, Chrysler, Ford/Philco since they live off of the immoral money of war. In August, 1970 and May, 1970 I purchased Swedish cars rather than those produced in the United States which would feed money to the war. In 1971 I sold my stock in a mutual fund which I found supported many war industries. I have considered other actions such as refusal to pay the federal phone tax, but realized that this would be illegal and hence unfeasible.

I have discussed the issues of war, capital punishment, and personal violence with many people in the past, with the hope that I might convince them that such acts are immoral. When I was an Instructor of political science for the Washington Workshops in 1970 I spent a considerable effort in stressing how evil killing and violence is. I am happy to say that many of my students did reassess their points of view on this matter. When I instructed College Law at the Gardner School of Business in 1971 I was always available after class to discuss the nature of violence and war, and was able to

b. (6) page 2

convince some of my students that they should think about these things.

In daily conversations with other individuals I have and will continue to convince people that killing and violence are immoral, and that there is a better way to solve the problems facing us.

Because I do not believe the government has any right to take the life of anyone - even a convicted criminal - I have worked for the abolishment of capital punishment. I was active in an effort to keep Rehnquist off of the Supreme Court because of his views on this matter.

There are a number of other factors in my past behavior which demonstrate the consistency of my beliefs which give rise to my claim. I have always been very concerned with the welfare of others. This is evidenced in my participation in the high school service clubs of Hi-Y and Key Club; by the fact that I was chairman of the Red Cross Blood Drive at Kenyon College in 1968 and 1969; by my volunteer work with Operation Headstart and VISTA. I have always stood on what I believe in. I have never knowingly injured another person.

(1)

I was a member of the Air Force ROTC detachment at Kenyon College, Gambier, Ohio. I would NOT now join the ROTC since it contributes to the ultimate military mission.

(2) I am not a member of any particular church.

(3) I have been a legal observer for the Mobilization Against the War. I am a member and have participated in many activities of the National Lawyers Guild. I have done volunteer work for VISTA and Operation Headstart. At the present time I am Director of the Drug Offenders' Rights Committee and Director of the American University Legal Aid Services.

d. Letters of reference:

1. Colonel Samuel C. Wexler
2. Franklin B. Reynolds
3. Glenn Gilman
4. John K. Zwerling
5. Benjamin N.A. Kendrick
6. Jon C. Kinney
7. Wallace G. Dickson
8. S. Brian Willson

GEORGE W. COEN AND SAMUEL C. WEXLER

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SAMUEL C. WEXLER

EDWARD T. BEERY

December 24, 1971

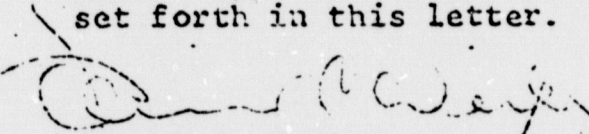
To: Commanding Officer of
Lt. Charles Jeffery Lantz 276 46 8026
FV 324 91 42

1. This letter is written to assist the Investigating Officer appointed pursuant to Paragraph 10 of AFR 35-24 (18 October, 1971) in arriving at a decision as to the Conscientious Objector status of Charles Jeffery Lantz.
2. I am an officer in the Air Force Reserve. I served in the United States Army on active duty from 9 May, 1942, through 31 March, 1946. From 1 April, 1946, until 31 March, 1952, I was engaged in the private practice of law in the City of New York. I was recalled to active duty on 1 April, 1952, as a Captain in the Judge Advocate General's Department of the Air Force and retired therefrom on 30 November, 1969, with the rank of Colonel. From 30 November, 1969, until the present, I have been engaged in the private practice of law in Lancaster, Ohio.
3. During the past two years, I have come to know Charles Jeffery Lantz quite well. I am familiar with him and with his family background. His father is a respected practicing attorney in Lancaster, Ohio, with an outstanding military service record in World War II as an officer in the Army Air Corps.
4. From my first meeting with Mr. Lantz late in 1969, I was extremely favorably impressed with his sincerity, honesty and general character. During our first meetings, he expressed a great interest in pursuing a career in the Judge Advocate's Department of the Air Force upon his graduation from law school. He also showed great interest in the military justice problems which were part of his law school training.
5. I saw him on a number of occasions in the early part of 1970, and through the summer months. It was after the summer

of 1970 and towards the end of the year that I first noticed a marked change in Mr. Lantz' thinking and beliefs and in his attitude towards his impending military service. He had, of course, from the outset of our acquaintance, been vigorously opposed to the war in Vietnam. In the beginning, such opposition was of a strictly localized nature. However, from this limited objection to a particular war, his philosophy and his thinking have so developed that our later discussions, and his present day to day activities, convince me that he is opposed to war in any form, and that the dictates of his conscience would not allow him to be a member of any military organization.

6. My beliefs as to the convictions of this highly intelligent young man are based not only on what he has said, but also on his activities outside of law school. He has been directing a legal aid program in Washington since January of 1970, which provides assistance to individuals with drug problems; and, since May of 1971, he has been director of the American University Legal Aid Service, which furnishes legal assistance for indigents in the metropolitan Washington area. This further strengthens my convictions that his Conscientious Objector feelings are deep-rooted and are as valid and deep-rooted as though they were based on traditional religious training and beliefs. His feelings certainly are not politically oriented or based on any considerations of expediency or selfish materialistic desires. I believe, very strongly, that if he were called to serve on active duty, his contribution to the Air Force would be extremely limited and his influence on younger and more impressionable airmen, because of his intelligence and great sincerity, could lead to the generation of many more problems for the Air Force from others already on active duty.

7. I would be happy to appear at any hearing relative to Mr. Lantz' application and testify under oath as to the matters set forth in this letter.



Samuel C. Wexler
058-01-5897
Colonel, USAF (Ret.)

January 20, 1972

To: Commanding Officer of Lt. Charles Jeffery Lantz
276 46 8026 EV 324 9142

Subj: Lt. Lantz's Application for Conscientious Objector Status

Dear Sir:

I am writing this letter as a former Naval Officer, and as a person with very close personal knowledge of Charles Lantz's activities and moral beliefs. I have lived in the same house with Charles for the past seven months and I believe that I can attest to his deep-seated, sincere belief in the absolute sanctity of human life as well as anyone.

I served as an active duty Officer in the U. S. Navy from September 1965 to February 1969, and I am presently in the United States Naval Reserve (Standby Reserve). I was honorably discharged from active duty as a Lieutenant Junior Grade, and have been subsequently recommended for promotion to Lieutenant. During my active duty status I served in the Mobile Riverine Assault Force in the III Corps area of South Vietnam from January 1967 through the Tet Offensive of 1968. I was awarded a Letter of Commendation from my Commanding Officer, a Navy Achievement Medal with Combat 'V' citation, and was recommended for the Navy Commendation Medal for the services which I performed in Vietnam. I then completed my tour of active duty as Protocol Officer for Rear Admiral N.V. Bird, Commander Mine Forces, Pacific Fleet. After discharge, I held a staff position with the National Academy of Sciences, Committee on Undersea Warfare, a position which required a Top Secret Clearance. I left the job in September 1969 to attend law school at American University, where I met Charles.

I met Charles when he sought me out to ask me about my military experiences. Although he was scheduled to enter the Air Force upon graduation from Law School, he had very grave misgivings about this decision. He was honestly searching for ways in which he could accommodate his personal beliefs and his military obligation.

Between our second and third years of law school, Charles and I decided to rent a house together. Although I knew him well before this, I did not become aware of the depth of his principles or the effect which they had upon his everyday actions until this time. Charles and I have had numerous very involved and emotional discussions about the "plight of man."

Page Two

I know of no one who has more concern for other human beings than Charles, but he totally and unequivocally rejects the use of any kind of force to achieve a goal. He has stated on innumerable occasions that to kill another human being only perpetuates the "myth that might makes right," and inexorably pushes back the day when all conflicts can be settled without force. While agreeing with Charles in principle, as I think all men do, I have tried to convince him that when faced with a violent force you must sometimes use force to end it. His answer is that "you have lowered yourself to the animal level, and have rejected the human mind as the key to solution." He says this with such conviction and fervor that one has to admire and respect the courage of his decision.

Charles has connected all military forces with the use of force, since he feels they ultimately resort to killing the opposition when all else fails. While I have tried to relate my military experiences objectively, his reactions have been shock, horror and disgust. I must state that his aversion to the military way is so strong that I do not believe that he could be at all effective as an Air Force officer. Even the most innocent-seeming duties of an officer would conflict with his own life philosophy with what I believe would be disastrous results, both for Charles and for the Air Force.

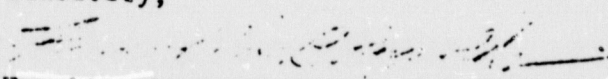
Charles is not a recluse or a selfish person. He is amazingly active in several humanitarian activities. He is the present Director of the Legal Aid Program of American University, nationally acclaimed for its work in the area of poverty law. He is the co-founder and active director of the Drug Offenders' Rights Committee, a very successful organization giving needed advice to those persons in trouble because of drug abuse. He is a vigorous opponent of the American involvement in Vietnam and has played a major part in many of the anti-war demonstrations here in Washington, D. C. I have seen him as strenuously condemn the violent tactics of some demonstrators as he does the actions of those who direct the American involvement in Vietnam.

In closing, I must say that Charles is a true believer in the absolute sanctity of life, and is in no way an opportunist. Every action he takes is a manifestation of this belief. It is a belief that controls him and is evident in all facets of his life.

Speaking from my own experience in the military, Charles would be unable to fulfill the duties of an Air Force Officer. I am truly convinced of this fact.

Sincerely,

January 20, 1972


Franklin B. Reynolds

LAW OFFICES

JOHN KENNETH ZWERLING

P. O. BOX 234

110 NORTH ROYAL STREET

ALEXANDRIA, VIRGINIA 22313

(703) 836-5352

February 4, 1972

ARLINGTON OFFICE
2034 NORTH CLEVELAND
ARLINGTON, VIRGINIA 22201
828-7650

Commanding Officer of
Charles Lantz, SAN 276 46 8026
FV 324 9142

Dear Sir:

My background is briefly as follows: I am presently a practicing attorney, a member of both the Virginia and District of Columbia Bars. Prior to entering Law School in 1967, I served two (2) years on active duty in the United States Navy. My highest rank while on active duty was that of Lieutenant (junior grade), and when I was finally discharged last year my rank was Lieutenant. I served on the USS Union (AKA-106) where I was a department head. My title was Boat Group Commander and we conducted a sizable number of amphibious landings in Viet Nam.

I have known Mr. Lantz for over two years, during which time I have had the opportunity to work closely with him on a legal aid program called The Drug Offenders Rights Committee.

Mr. Lantz is a very bright young man and does high quality work when doing something he believes in. To illustrate this point, I might mention that as a result of his genuine concern for the welfare of others, Mr. Lantz has contributed a great deal of his time and efforts to the legal aid program at the American University Law School which he now attends. As a result of his ability and dedication, he has become Director of the Legal Aid Program.

Commanding Officer of Charles Lantz
Page 2
February 4, 1972

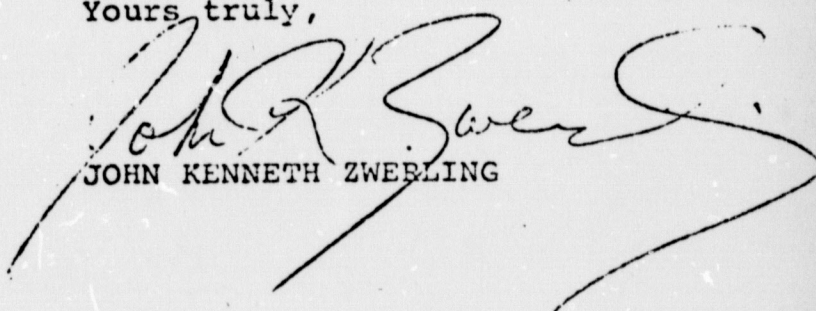
I believe that if Mr. Lantz had entered the armed services two years ago when I first met him, he would have become a fine junior officer. However, over the past year and a half, I have observed a gradual change in Mr. Lantz' beliefs and attitudes toward the role of the military and as he would put it "the uselessness and immorality of war."

I know Mr. Lantz too well to believe that he is not sincere in his beliefs. This attitude is reflected in his daily life. He has a great regard for human life and human rights and while he has been involved in anti-war activities, he has always been dedicated to the principles of non-violence.

I do not feel that with his present conviction, he would be an asset to the military and I am quite convinced that going on active duty would tear Mr. Lantz apart inside.

I earnestly hope that Mr. Lantz' application for Conscientious Objector status is favorably received and that he is allowed to serve his fellow countrymen in the way he is best equipped, that is providing competent legal services to those who cannot otherwise afford such service.

Yours truly,



JOHN KENNETH ZWEBLING

JKZ:hs

December 21, 1971

TO THE COMMANDING OFFICER OF LT. CHARLES J. LANTZ

Dear Sir:

I am writing this letter on behalf of Charles J. Lantz. I have been a close friend of Chuck's ever since we began law school at the American University two and one-half years ago.

When we first met, even though he had some doubts, Chuck felt that he was obligated to perform some kind of military service for this country. As time passed however, his beliefs and attitudes came full circle.

Chuck developed to the point where he was sickened by the violence that, in his opinion, is systematically perpetrated on innocent people by the military machines of the world. Repulsed by this organized and senseless slaughter, he became active in various anti-war activities in the United States. He devoted time and energy to the legal arms of sundry anti-war, anti-military organizations.

His beliefs were not and are not confined exclusively to the Vietnamese War, but extend to the full range of world conflict, from Bangla Dosh and Biafra to the Middle East and Northern Ireland.


Chuck does not view his beliefs as mere abstractions, but as guides for action. His activities with the Mobilization to End the War in Vietnam, the National Lawyers Guild Mass Arrest Defense Panel, anti-draft groups, Biafran Relief and others are indicative of this philosophy.

Though there are some who would use violence to end violence, Chuck is not of that ilk. He feels that reason and personal example are the means to accomplish change. As a student of the law, he uses its tools as his weapons, believing them superior to the weapons of death and destruction.

Chuck has such a strong regard for the sanctity of human life that he views war and its accompanying horrors as an abomination and a sin. To be a part of any military machine would directly conflict with Chuck's values, beliefs, and his very life.

It is my hope that this letter will be of help in your efforts to understand the depth and sincerity of Chuck's ideals and way of life.

Sincerely,


Glenn Gilman

LAW OFFICES
DICKSON & KENDRICK
THE RADIO BUILDING
2030 NORTH SIXTEENTH STREET
ARLINGTON, VA. 22201

WALLACE O. DICKSON
BENJAMIN N. A. KENDRICK

703 526-9095

February 4, 1972

The Commanding Officer of
Charles J. Lantz 276 46 8026

Dear Sir:

My name is Benjamin Kendrick. I am engaged in the private practice of law in Northern Virginia with the firm of Dickson and Kendrick. Mr. Lantz has asked me to write a letter of reference on his behalf. I am most anxious and pleased to do so.

I have known Mr. Lantz for approximately one and one-half years both socially and in the capacity as an employer since he has been my law clerk for the past year. During this period I have had numerous occasions to discuss a variety of topics and a multitude of issues ranging from his basic religious beliefs to the war in Vietnam. Mr. Lantz has appeared to be one of the most sincere and intense young men I have ever met. This applies to his approach and resolution of everyday practical problems and his basic moral and religious values as well.

Mr. Lantz's most stringent religious belief is that the killing of another human being is immoral. Mr. Lantz does not follow any orthodox religion, rather, the religious beliefs he sanctions are the values which govern his daily life. One example that stands out in my mind happened in Washington, D. C. during the May Day (1971) demonstrations. I volunteered to serve as a legal observer and advisor. Mr. Lantz was participating in a demonstration at the Department of

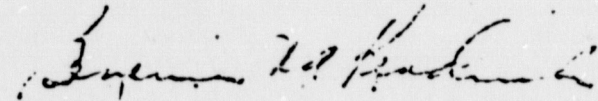
Justice that resulted in confrontation with the police. However, as strong as his feelings are against war, Mr. Lantz withdrew from the demonstrators and avoided the confrontation.

Mr. Lantz refuses to resort to violence as a means of resolving problems or conflicts whether they be personal or on a national and/or international level. While he finds violence repulsive I do not think it would be proper to label him a pacifist for he is not a totally passive person. In my judgment, and based on the many times we have discussed this subject, I believe he can and would physically resist someone threatening his person with physical harm. His resistance would take the form of withdrawal, as was the case in Washington, D. C., or to subdue the aggressor but under no circumstances would he kill or cripple another human being.

I am convinced that Mr. Lantz is opposed not only to the war in Vietnam but to any and all wars because of deep religious views which he believes in. It is his belief that defense of one's country does not and should not be based upon mass destruction or killing of other peoples; he feels that civilized man should be above that.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,


Benjamin N. A. Kendrick

BNAK:am

THE MISSEDUC FOUNDATION, Inc.

WASHINGTON OFFICE
1419 H Street, N.W.
Washington, D. C. 20005
(202) 347-7727

January 14, 1972

Commanding Officer of
Charles J. Lantz
276 46 8026

Dear Sir,

I had an opportunity to gain a fuller understanding of Mr. Lantz's feelings and beliefs when he spent part of last summer at my home. Although I had known Mr. Lantz before, I had no more than a superficial understanding of the nature of his beliefs.

Chuck is opposed to participation in any war or any form of "organized violence" as he views it. He refuses to admit that the power and right to wage war is a necessary and logical extension of this nation's diplomatic policy to preserve its national interests throughout the world. I cannot share all of Mr. Lantz's beliefs concerning war, for while war is always unfortunate it may be sometimes necessary if not inevitable.

Chuck's beliefs should almost be classified as more emotional and religious than logical. He would not be able to participate in any activity in the Air Force which directly or indirectly might result in the killing or maiming of other individuals. I believe that the continued presence of Mr. Lantz in the Air Force is highly undesirable. He has agonized over this situation for at least the last nine months and I am certain that if this application is denied the moral questions would only be heightened. While Chuck would in no way ever be intentionally disloyal to his country, his feelings against war and the "war machine" have evolved to a point that he could not conscientiously participate in any organization which he considers to be committing murder.

I sincerely hope that Mr. Lantz's application for conscientious objector is granted in that I feel it would be not only in his best interest but also that of the Air Force.

Sincerely,

Jon C. Kinney
Reginald Heber Smith Fellow

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LAW OFFICES
DICKSON & KENDRICK
THE RADIO BUILDING
2030 NORTH SIXTEENTH STREET
ARLINGTON, VA. 22201

WALLACE G. DICKSON
BENJAMIN N. A. KENDRICK

703 625-9095

December 9 , 1971

To: The Commanding Officer of Lt.
Charles J. Lantz; SSAN: 276 46 8026
FV 324 91 42

Re: Lt. Lantz's application for conscientious
objector status

I have been a practicing attorney in Northern Virginia for the past eight years. I served in the Air Force from 1951 to 1955 and received an Honorable discharge. From 1966 to 1970 I served as a member of the Virginia House of Delegate.

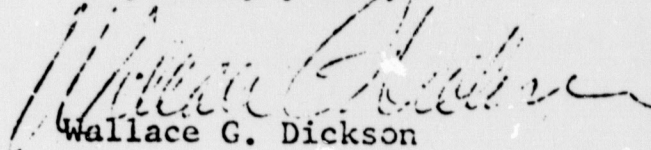
For the past year I have employed Charles Lantz as a law clerk in my Arlington office. Through day to day contacts I have come to know Charles quite well, and have great respect for his honesty and sincerity.

I can justifiably say that Charles is guided by a moral code which controls all of his daily activities. He has been involved in a number of humanitarian activities such as his legal aid work which demonstrates his desire to help people. On numerous occasions we have discussed his objection to violence and war. I have never seen him act or talk in a way which would demonstrate that he would participate in violence. Violence seems to be incompatible to his basic nature. The idea that he might

Page 2

be involved in a war oriented military organization causes him great distress since such involvement is inconsistent with his belief in the immorality of killing. I am convinced that his belief is very sincere, that it is based on ethical and moral principles which control his life.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Wallace G. Dickson".

Wallace G. Dickson

PEOPLES SNAKE OILS
COTTAGE 1000 1000 1000
OF 1000 1000 1000
146 BERGEN STREET
BROOKLYN, N. Y. 11217
(212) 875-4056

RE: APPLICATION FOR C.O. DISCHARGE OF CHARLES LANTZ.
TO WHOM IT MAY CONCERN:

I am a Minister of Divinity and a teacher of Kundalini Yoga in New York City. I have had the privilege of knowing Charles Lantz for the past three years. I first met Chuck while he was in Law School at American University and have gotten to know him quite well, both as a fellow law student, and more recently in my capacity as a spiritual teacher and guide.

Over the past three years I have seen Charles' attitude toward war and killing change. My first awareness of this change was during the riots at Kent State University in the Spring of 1970. The killing of the student there had a very dramatic effect upon Chuck. He began questioning the morality of killing and of war. I watched as he formed what is now a repulsion toward these immoral activities.

ONLY COPY AVAILABLE

In our talks at first he showed
a concern over killing but was
unsure of how to react. As time went
by he began to realize that he could
not tolerate the thought of him being
used as an instrument of war.

Now Chuck has firmly solidi-
fied his disgust at the immoral
and unconscionable acts of war-
fare, of supporting a war-making
organization, and of the taking of
human life.

I have had the honor of giving
Charles fairly spirited guidance
and have seen a true spiritual
sensitivity develop within him.
In my opinion he is deeply sincere
in his beliefs of conscientious ob-
jection. I hope you will take affirma-
tive action on his request and grant
him his discharge.

Humbly,

Robert Singh ~~W. H. H. H.~~

4519 Que Street, N.W.
Washington, D.C. 20007
January 13, 1972

ATTENTION: The Commanding Officer of Charles J. Lantz 276 46 8026

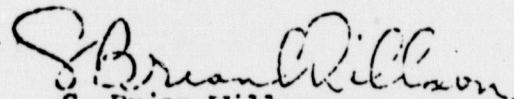
I have known "Chuck" for about 16 months, having first met him in September 1970 when I reentered American University Law School after completing a 4 year stint in the Air Force. One of our first topics of conversation involved military service, this being quite understandable since I had just separated as a Captain from the Air Force, and Chuck was yet facing his military obligation. As a result, I have become quite familiar with his feelings and beliefs.

My own military experiences included a variety of positions, one being as officer in charge of a combat security police section responsible for perimeter security of a South Vietnamese air base. In the immediately preceding 2 years, I had been a security police staff officer at headquarters command level of an inspector general's office and had been progressively developing beliefs and feelings of my own regarding Vietnam in particular, military service in general, and my role specifically. About halfway through my 4 year stint, I can honestly say that, due to the beliefs I had developed, I was a sincere objector, certainly to participation in the Vietnam war, and probably to any type combative role in any war or conflict. It was surely a blessing to have spent my final year as a supply squadron executive officer at a Louisiana air base, dealing with the normal problems experienced by airmen and in running a 250 man squadron, none related to or requiring combative type training and responsibilities.

From our many chats together, I think that Chuck's beliefs present a sincere objection to war, killing, and violence, and would hope that he would not be required to experience the agony and dilemma I faced after being halfway through my military experience. Because I have seen Chuck's interests develop at school, especially his involvement in a formal program assisting individuals experiencing drug problems, and in providing, through the University Legal Aid Services, legal assistance to indigent clients in the Washington, D.C. area, I believe that he could, and would, serve well in some type of human welfare function, preferably in a position enabling him to render legal assistance to minority groups and those financially indigent, if it could be arranged as an alternative to regular military service.

Hoping that this letter is helpful, I am

Very truly yours,


S. Brian Willson

ONLY COPY AVAILABLE

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 1ST COMPOSITE WING (HQ COMD, USAF)
ANDREWS AIR FORCE BASE, WASHINGTON, D.C. 20331



REPLY TO
ATTN OF: DPMQS

6 November 1972

SUBJECT: Investigating Officer's Report - AFR 35-24 (1Lt Charles J. Lantz)

TO: 1st Comp Spt Gp/CC

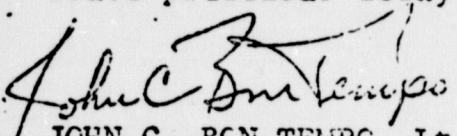
1. On Friday, 3 November 1972 at 1020 hours, 1Lt Charles J. Lantz, 276-46-8024, appeared before me for a hearing on his application for separation from the Air Force Reserve by reason of conscientious objection. Lt Lantz was not accompanied by counsel although he personally would be considered qualified counsel as a practicing attorney. I explained that the purpose of the hearing was to afford him an opportunity to present any evidence he desired in support of his application; to enable me to ascertain and assemble all relevant facts; to create a comprehensive record; and to facilitate an informed recommendation by me as investigating officer and an equally informed decision on the part of the final reviewing and approving authorities. He stated that the nature and the purpose of the hearing was completely understood by him and offered no additional evidence to support his case other than that contained with his application.

2. The applicant was the sole witness at the hearing. He freely and willingly submitted to questioning under oath and provided sworn testimony that corresponded to the statements submitted with his application. He reaffirmed that upon his entry into and subsequent duty in and completion of ROTC training, he felt passively that the means justified the end insofar as war was concerned. This condition changed with the adverse media coverage of Vietnamese atrocities and personal conversations with friends and associates who had served in the current conflict. His convictions against war were further solidified while at law school in Washington, D.C. and his exposure to violence associated with the anti-war demonstration to the degree that he could no longer believe in his former tenet that the means of war justified the peace that followed. This belief is now so strong that he feels that it would be impossible for him to serve in any capacity as part of a military organization. Lt Lantz is

unshakably convinced that there is a better way of resolving differences of opinion, be it at the international, national, local, or individual level and presents thought provoking arguments in support of his theories. He is "idealistic" to a fault and somewhat of an "utopian dreamer", incapable of accepting the realities of the real world and life in general. I am personally convinced that he will devote his life in attempting to rapidly change the sociological evolution that we all hope for but know will require centuries to take place.

3. After a thorough review of the entire record and a rather comprehensive hearing, it is my considered opinion that Lt Lantz has more than demonstrated the sincerity of his beliefs and convictions and could not function effectively or otherwise in the military. I feel strongly that permitting him to pursue his present position of providing legal counsel to the needy will be of much greater benefit to this country than could possibly be expected should he be required to serve in the military. This is a highly intelligent individual who left to his own devices, will no doubt leave his mark on society.


4. Strongly recommend that Lt Charles J. Lantz be granted G-1 conscientious objector classification and further that he be separated from the Air Force reserve status with the least practical delay.


JOHN C. BCN TEMPO, Lt Colonel, USAF
Investigating Officer

MALCOLM GROW USAF MEDICAL CENTER
ANDREWS AIR FORCE BASE
WASHINGTON, D.C. 20331
17 October 1972

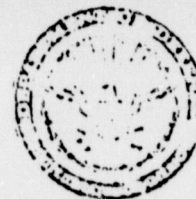
M E D I C A L S T A T E M E N T

1. 1Lt Charles J. Lantz, 276-46-8026, is being evaluated in compliance with AFR 35-24 as part of his application to be granted Conscientious Objector status. Lt Lantz was interviewed at length and his own written statement and supporting letters were reviewed. There is clear evidence that Lt Lantz has had an aversion to violence since early childhood. There is also evidence that in the past few years he has developed strong genuine moral objections to war of any kind including the Vietnamese war and he feels that by remaining affiliated with the Air Force he tacitly supports this war. Lt Lantz strikes me as a sincere, genuine and introspective person who has thought deeply and at length about this decision. Although it is obvious that he has some difficulty relating to figures of authority and there are some inconsistencies in his thinking and in his principles, there is no evidence at the present time for any major psychopathology.
2. Diagnostic Impression: No symptomatic psychopathology of neurotic or psychotic proportions observed at the present time.
3. Recommendation: Lt Lantz seems to be genuinely requesting Conscientious Objector status in accordance with his own moral principles and he seems sincere in this request. From a psychiatric point of view it is recommended that he be granted Conscientious Objector status.



JOHN M. OLDHAM MAJ USAF MC
PSYCHIATRIST

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 1ST COMPOSITE WING (HQ COMD, USAF)
ANDREWS AIR FORCE BASE, WASHINGTON, D.C. 20331



REPLY TO
ATTN OF: Ch Murphy/2114

10 October 1972

SUBJECT: Conscientious Objector Classification

TO: Whom It May Concern:

1. First Lieutenant Charles J. Lantz, 270-46-8020, Air Force Reserve Officer, has come to me requesting aid in securing Conscientious Objector Classification.
2. I am very much impressed by this man's character. He has come to an unshakeable conclusion that it is impossible for him to participate in any sort of killing for any reason. To participate, even in reserve status, in the military constitutes a condoning of the killing actions which happen in the military.
3. Lieutenant Lantz's beliefs are so strong that he must take a stand. I firmly believe that he is committed to taking that stand, regardless of the outcome. I therefore recommend that he be given the classification which he seeks, and that he be discharged from the Air Force Reserve immediately. It will be of benefit to both Lieutenant Lantz and the United States Air Force to grant this request.

Thomas W. Murphy
THOMAS W. MURPHY, Ch, Maj, USAF
Protestant Chaplain

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

CHARLES J. LANTZ,

Petitioner

NOTICE OF MOTION

-against-

Civil Action
No. 73 C 1288

ROBERT C. SEAMONS, JR.,
Secretary of the Air Force

Respondent.

-----X

PLEASE TAKE NOTICE that upon the annexed memorandum of law and upon all the papers heretofore filed herein, the Federal defendant will move this court before the Honorable Mark A. Constantino, United States District Judge, Eastern District of New York, on the 28th day of September, 1973 at 10:00 A.M. or as soon thereafter as counsel may be heard, Courtroom No. 1, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York for an order pursuant to Rule 12 (b) (1) and 12 (b) (2), Fed. R. Civ. P., dismissing the action for lack of subject matter jurisdiction, lack of jurisdiction over the person, and other such relief as the Court may deem appropriate.

Dated: Brooklyn, New York
September 14, 1973

Yours, etc.

ROBERT A. MORSE
United States Attorney
225 Cadman Plaza East
Brooklyn, New York 11201
Attorney for Federal Defendant

BY:

THOMAS A. ILLMENSEE
Assistant U.S. Attorney

To:

Lefcourt, Brennan, Cohn & Katz, Esqs.
640 Broadway
New York, New York 10012

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In the Matter of the Application :
of :

73-C-1288

CHARLES J. LANTZ :

MEMORANDUM

v. :

and
ORDER

ROBERT C. SEAMANS, JR., Secretary
of the Air Force :

JAN 30 1974

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A p p e a r a n c e s :

Frederick H. Cohn, Esq., Lefcourt, Brennan, Cohn & Katz,
Esqs., 640 Broadway, New York City 10012, for petitioner

Hon. Edward J. Boyd, V, Acting U.S. Attorney, E.D.N.Y., by
Thomas A. Illmensee, Ass't U.S. Attorney, for respondent

COSTANTINO, D.J.

This suit is a petition for a writ of habeas corpus brought by an unattached Air Force reservist seeking review of the denial of his application for discharge as a conscientious objector. The respondent has moved to deny the petition on the grounds that the court lacks subject matter jurisdiction, Fed.R.Civ.P. 12(b)(1), and lacks jurisdiction over the person, Fed.R.Civ.P. 12(b)(2). The motion is based on the view that such a petition is appropriate only in a jurisdiction where the petitioner's

"custodian" is located. Since petitioner's only contact with New York is that it is his domicile, the government contends this court has no jurisdiction to hear petitioner's case. These contentions call for an analysis of several recent cases, Strait v. Laird, 406 U.S. 341 (1972); Eisel v. Secretary of the Army, 477 F.2d 1251 (D.C. Cir. 1973); Arlen v. Laird, 451 F.2d 684 (2d Cir. 1971); and United States ex rel. Harry Applebaum v. Seamans, 365 F.Supp. 1177 (S.D.N.Y. 1973), and an application of those rulings to the facts herein.

Briefly, the pertinent facts are as follows. Petitioner was enrolled in the Reserve Officers Training Corps at his undergraduate college and earned a commission in the Air Force Reserve. At his request his active duty requirement was deferred while he attended law school at American University, Washington, D.C. During his law school career petitioner became a conscientious objector and applied to the military at Andrews Air Force Base, Maryland for discharge. After being interviewed there by a chaplain and a psychiatrist, and having a hearing there, his petition was denied. The letter of notification was sent to

petitioner's Flushing, New York address where he has since resided. Petitioner subsequently took and passed the New York State Bar Examination and is presently employed by The Legal Aid Society of New York.

The Supreme Court in Strait v. Laird, 406 U.S. 341 (1972), agreed with the Second Circuit's decision in Arlen v. Laird, 451 F.2d 684, that the location of an unattached inactive reservist's nominal commanding officer should not be the only forum for bringing a habeas corpus petition, as previous cases had held. Schlanger v. Seamans, 401 U.S. 487 (1971). In Strait and Arlen the petitions for habeas corpus relief were filed where the petitioners resided. In Strait the forum was also where petitioner's original application for discharge was filed, where hearings were held and where his officers had recommended that he be discharged. In Arlen the forum was where the original application was forwarded and where hearings were held.

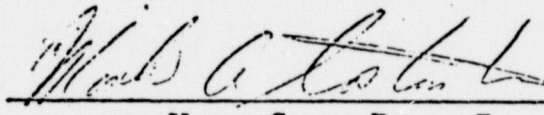
The Court of Appeals for the District of Columbia analyzed the criteria for determining the proper forum for habeas corpus petitions brought by inactive attached reservists in Eisel v. Secretary of the Army, 477 F.2d 1251

(1973). There it was noted that while the Supreme Court in Strait denominated domicile as one criteria for determining the proper forum, it was not made clear whether domicile should be the determining factor. Id. at 1264. The court in Eisel held that Massachusetts was the proper forum for one petitioner because his "most meaningful contacts" were with that state, but went on to hold that where another petitioner had moved to New York and had no other contacts with New York except domicile, New York was a proper forum. In effect the court held that domicile was the determining factor in cases of this sort. Judge Motley in Applebaum v. Seamans, 365 F.Supp. 1177 (S.D.N.Y. 1973) followed that interpretation.

This court, of course, is not bound by either Eisel or Applebaum and looks to Strait as the controlling decision. Nowhere in that decision is it held that domicile is the sole factor for determining the proper forum for habeas corpus decisions. Viewed against the traditional background for determining the proper forum, Schlanger v. Seamans, supra, Strait made an exception when there were meaningful, military contacts with the forum. The facts

here are not so favorable. This court is unwilling to go beyond the ruling of the Supreme Court in Strait.

Accordingly, this court lacks jurisdiction to hear the application for the writ of habeas corpus.

A handwritten signature in cursive script, appearing to read "Mark A. Lott", is written over a horizontal line.

U. S. D. J.